

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47471-2023

Date of decision:-29.11.2023

Surjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Ajay Kumar Chaudhary, Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

Mr.Satnam Singh, Advocate for
Mr.Sartaj Singh Thakur, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0016 dated 02.03.2023, under Sections 406, 420 IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014, registered at Police Station Balachour, District SBS Nagar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 15.09.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioner submits that the FIR is an outcome of a monetary dispute, which has been amicably settled between the parties.

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3. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 21.09.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(i) As per the statement of IO/DSP Sham Sunder, there is only one person arrayed as an accused in the present case and he made his statement qua compromise. None of the accused is declared proclaimed offender.

(ii) As per the statement of IO/DSP Sham Sunder, name of the complainant is Tejpal and he appeared and made his statement in support of the compromise.

(iii) As per the statement of IO/DSP Sham Sunder, challan has not been presented till date in this FIR as accused has not been arrested till date.

(iv) As per the statements of both the parties, compromise is genuine, voluntary and out of free will of the parties.

(v) As per the statement of IO/DSP Sham Sunder, there is no other criminal case is pending against the aforesaid accused person.”

6. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3)***

RCR (Criminal) 1052, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.0016 dated 02.03.2023, under Sections 406, 420 IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014, registered at Police Station Balachour, District SBS Nagar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

29.11.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No